



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

JUL 22 2014

Via U.S. Postal Service and Email

Mr. Roland Lampert
899 Broadway Associates
900 Veterans Boulevard, Suite 410
Redwood City, California 94063
rolandlamp@aol.com

**Re: Toxic Substances Control Act (TSCA), Polychlorinated Biphenyls (PCBs) – Cleanup of
PCBs at Former Railroad Spur Property in Redwood City, California**

Dear Mr. Lampert:

The U.S. Environmental Protection Agency Region 9 (EPA) appreciates West Environmental Services & Technology (WEST) submitting on your behalf and for our approval, the "*PCB Cleanup Plan Former Rail Spur Property Bay Road and Charter Street Redwood City, California*," dated May 2014 (PCB Plan). Enclosed is EPA's conditional approval (Approval) of the PCB Plan. The Approval is effective immediately and applies to the Railroad Spur Property (RSP) that you own. The PCB Plan was submitted in response to the enclosed EPA Directive dated May 31, 2013. That Directive required measures to control dust from the property, additional characterization for PCBs, and a cleanup plan.

EPA is issuing the enclosed Approval with conditions under the TSCA PCB regulations in 40 CFR 761.61(a) and 761.61(c). Please refer to the enclosed Approval for details. This Approval applies to both the unpaved and paved portions of the RSP. The PCB Plan does not address PCBs in the paved portion of the RSP.

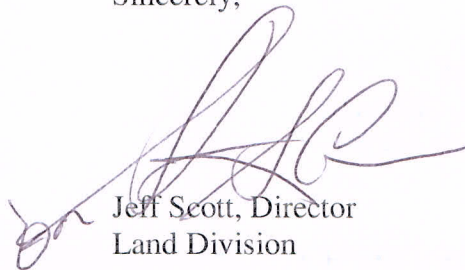
The paved portion of the RSP abuts R&B Pipe Company. Soils beneath the pavement are contaminated with PCBs at levels up to 1,738 mg/kg. This is based on test results for native soils at 0.3 feet and 1 foot below the base rock-soil interface beneath the pavement (about 3 to 4 feet below ground surface). The Approval includes a condition to address PCBs in the paved portion of the RSP. Please schedule a conference call with EPA to discuss options to address PCBs in the paved portion of the RSP.

We look forward to assisting you and your consultants on PCB matters associated with the PCB cleanup at the RSP in Redwood City, California. If you have questions concerning the enclosed

Mr. Ronald Lampert
Re: EPA TSCA PCB Cleanup Approval
Former Railroad Spur Property

Approval, please call Carmen D. Santos at 415.972.3360 or send correspondence to santos.carmen@epa.gov. Thank you.

Sincerely,



Jeff Scott, Director
Land Division

Enclosure (U.S. EPA Region 9 Conditional Approval)

Cc: David Barr, RWQCB-SFB
david.barr@waterboards.ca.gov

Peter Morris, West Environmental Services & Technology
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Tom Graff
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Steve Armann, USEPA R9
armann.steve@epa.gov

Carmen Santos, USEPA R9
santos.carmen@epa.gov

**U.S. Environmental Protection Agency Region 9 Conditional Approval
for**

Railroad Spur Property, Redwood City, California

TSCA PCB Cleanup Approval Under 40 CFR 761.61(a) and 40 CFR 761.61(c)

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A. Introduction and Background

The U.S. Environmental Protection Agency Region 9 (EPA) hereby approves with conditions the *"PCB Cleanup Plan Former Rail Spur Property Bay Road and Charter Street Redwood City, California,"* dated May 2014 (PCB Plan). West Environmental Services & Technology (WEST) prepared the PCB Plan on behalf of the Railroad Spur Property (RSP) owner. The PCB Plan addresses removal of soils contaminated with polychlorinated biphenyls (PCBs) from the unpaved portion of the RSP and capping of PCB impacted soils in a specific area also located within the unpaved portion of the RSP.

EPA is approving the PCB Plan with conditions under the Toxic Substances Control Act (TSCA) PCB regulations in 40 CFR 761.61(a) and 761.61(c) (Approval). This Approval is effective immediately. This Approval applies to the entire RSP including any portion of the RSP crossing other properties not owned by the owner of the RSP. In addition, this Approval addresses the paved portion of the RSP not covered in the PCB Plan. WEST's June 9, 2014 letter to the owner of the RSP confirmed the presence in soils beneath the asphalt in the paved portion (eastern portion) of the RSP of about 1,738 mg/kg total PCBs.

The RSP is located adjacent to the former Tyco Thermal Controls facility (Tyco facility) at 2201 Bay Road, Redwood City, California. A PCB cleanup was completed at the Tyco facility in 2012. Among other things, that cleanup involved capping of soils contaminated with PCBs at levels up to 4,000 mg/kg within two areas of the Tyco facility. One of those capped areas is located adjacent to the RSP. Beneath the cap adjacent to the RSP, PCBs remain in place at levels below 4,000 mg/kg about eight feet below ground surface.

The PCB Plan for the RSP proposes to remove soils with PCB concentrations exceeding the California Regional Water Quality Control Board San Francisco Bay (RWQCB-SFB) screening level of 0.74 mg/kg for industrial use within an area of the RSP. Also in the plan it is proposed to excavate soils with high concentration of PCBs (i.e., to a depth of 2 feet bgs and to cap the remaining soils. We agree with this approach. While a full excavation of PCB impacted soils is not proposed to similar depths as conducted on the former Tyco facility, we believe the approach is consistent with the PCB remediation conducted at that facility.

A portion of the RSP is paved and the R&B Pipe Company abuts the spur in that area. Soils are contaminated in the area of the paved portion of the RSP with PCBs at levels up to 1,738 mg/kg. The native soils that were tested are at 0.3 feet and 1 foot below the base rock-soil interface beneath the pavement (that is about 3 to 4 feet below ground surface). The PCB Plan does not address PCBs

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in the paved portion of the RSP. The Approval includes conditions to address the PCBs in the paved portion of the RSP.

B. Property Owner, Land Use, Sources of Contamination, and PCB Cleanup Site

1. **Property (Facility) Owner.** Mr. Ronald Lampert owns the former railroad spur located along the boundary of the former Tyco facility at 2201 Bay Road in Redwood City, California. The spur extends beyond that boundary toward Charter Street.
2. **Land Use.** The property is not in use and it is surrounded by commercial and industrial uses.
3. **Sources of PCB Contamination.** Sources of PCB contamination include and may not be limited to PCB dielectric fluids delivered via rail car to historic operations involving electrical equipment at 2201 Bay Road.
4. **PCB Cleanup Site and PCB Cleanup Level.** The PCB Cleanup Site (PCS) is defined as the area encompassing the entire RSP and all the areas to where PCBs may have migrated. The PCB cleanup level for the RSP is 0.74 mg/kg total PCBs as Aroclors. This cleanup level is the RWQCB SFB soil screening level (SSL) for industrial land use. This SSL is more stringent than EPA's recently revised Regional Screening Level for PCBs in soils of 1 mg/kg for industrial land use.

C. Conditions of Approval

1. **Implementation of the PCB Plan.** The RSP owner and its consultants must implement the PCB Plan as modified by the conditions in this Approval.
2. **Written Certification.** Within 14 days after the date of this Approval submit the written certification required in 40 CFR 761.61(c)(1) and 761.61(a)(3)(i)(E). The certification must be signed by both the property owner and the cleanup party.
3. **Decontamination of movable equipment used in excavation and other activities.** All movable equipment must be decontaminated following and consistent with applicable requirements in 40 CFR 761.79(c)(2).
4. **Excavation western unpaved portion of the RSP.** Excavation in the western portion of the unpaved portion of the RSP must be conducted until the cleanup level of 0.74 mg/kg total PCBs is achieved based on verification samples. A barrier to prevent soil erosion and mobilization (e.g., via wind or storm water runoff) must be applied to the excavated area after the cleanup levels have been achieved.
5. **Excavation eastern unpaved portion of the RSP.** Onsite disposal of soils from the western excavation into the eastern excavation is allowed under this Approval to backfill the eastern excavation to a depth that facilitates construction of the TSCA cap. The cap must be of the

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thickness and constructed consistent with the design depicted in the attached Figure 5-5 (Cap and Cover Details) of the PCB Plan. The Land Use Covenant must discuss the onsite disposal of soils from the western excavation into the eastern excavation that are contaminated with PCBs above the cleanup level and below 15 mg/kg total PCBs.

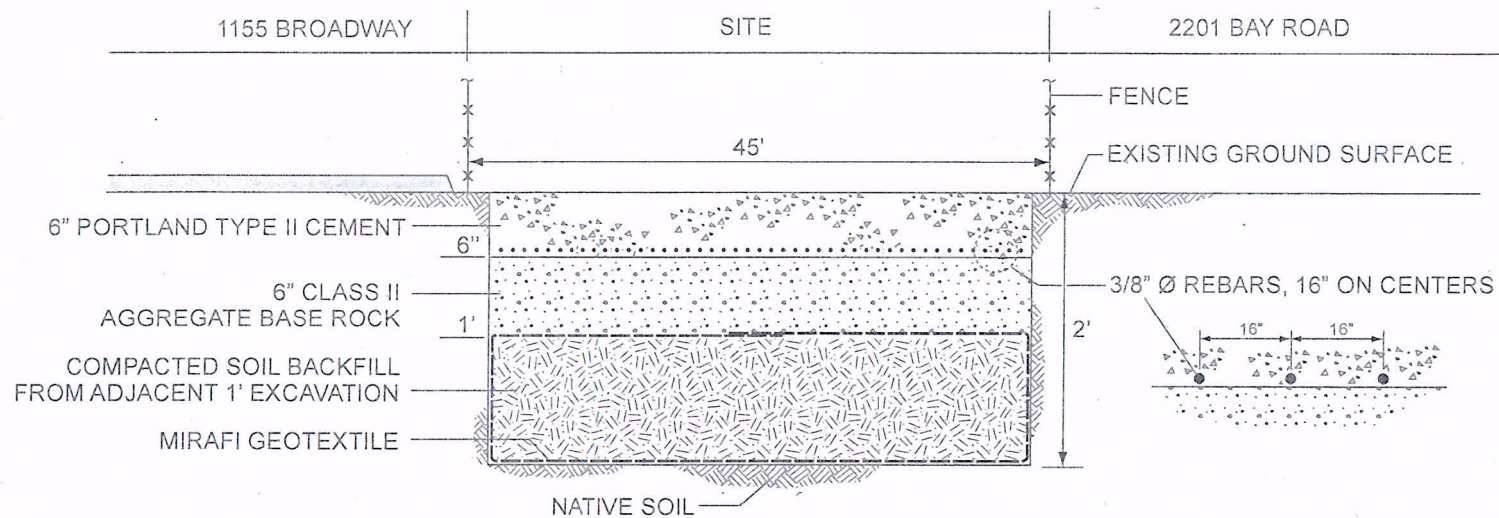
This Approval allows PCB-containing soils above 50 mg/kg to remain in place below 2 feet below ground surface in the eastern excavation area if the soils are capped as required in Condition 5 above. Survey coordinates of the eastern excavation boundaries and location of cleanup confirmation samples (excavation walls and floor) must be included in the Land Use Covenant.

6. **Segregation of excavated soils for disposal and PCB concentration for disposal.** Disposal of soils to be removed from the western and eastern excavations of the unpaved portion of the RSP must be based on the as-found in-situ (before excavation) PCB concentration. Soils from the western excavation must be segregated and disposed of according to their as-found in-situ concentration. Soils from the eastern excavation must be segregated, not mixed with soils from the western excavation, and disposed of at their as-found in-situ concentration.
7. **Notification of PCB Activity.** The transporter of the PCB remediation waste must submit to EPA Headquarters a Notification of PCB Activity for soils with concentrations equal to or above 50 mg/kg total PCBs before transportation of the waste to the disposal site. 40 CFR 761 Subpart K in the most recent revision of 40 CFR 761 must be consulted regarding manifest requirements. EPA revised those requirements in 2012.
8. **Sampling grid for cleanup verification.** The sampling grid for cleanup verification must be relatively smaller than any characterization grid used at the site. As an example, please refer to the characterization and cleanup verification grids in 40 CFR 761 Subpart N and Subpart O, respectively.
9. **Paved portion of the RSP.** Within 45 days after the date of this approval submit a plan to address PCBs in the paved portion of the RSP that includes sampling to determine the extent of the PCB contamination. A conference call with EPA may be scheduled to discuss this matter. Options to address this issue may be proposed during that future call.
10. **Land Use Covenant (LUC).** Within 45 days after EPA approves the PCB cleanup completion report and the Operation and Maintenance Plan for the cap and the erosion control layer, a draft LUC must be submitted to EPA for review. The paved portion of the RSP must be fully addressed in the cleanup completion report.
11. **Compliance with this Approval and applicable regulations.** This Approval does not relieve the owner of the RSP and its consultants from complying with this Approval, other applicable TSCA PCB and Federal regulations, and state and local regulations and permits. This Approval does not relieve the owner of the RSP and its consultants from complying with applicable Bay Area Air Quality Management District rules. Departure from the conditions in this Approval

Mr. Ronal Lampert
Enclosure: EPA TSCA PCB Cleanup Approval
Railroad Spur Property

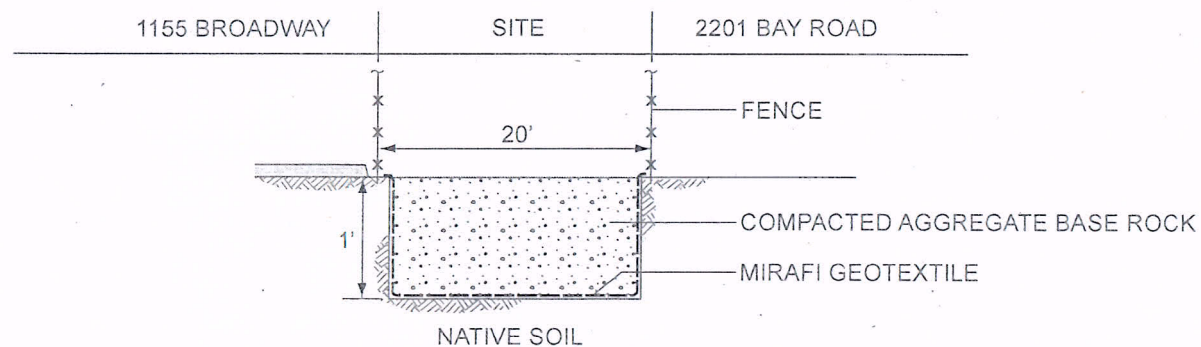
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without prior written permission from the EPA may result in the commencement of proceedings to revoke this Approval, and/or an enforcement action. Nothing in this Approval bars the EPA from imposing penalties for violations of this Approval or for violations of other applicable TSCA PCB requirements or for activities not covered in this Approval.



CAP DETAIL

N.T.S.



COVER DETAIL

N.T.S.

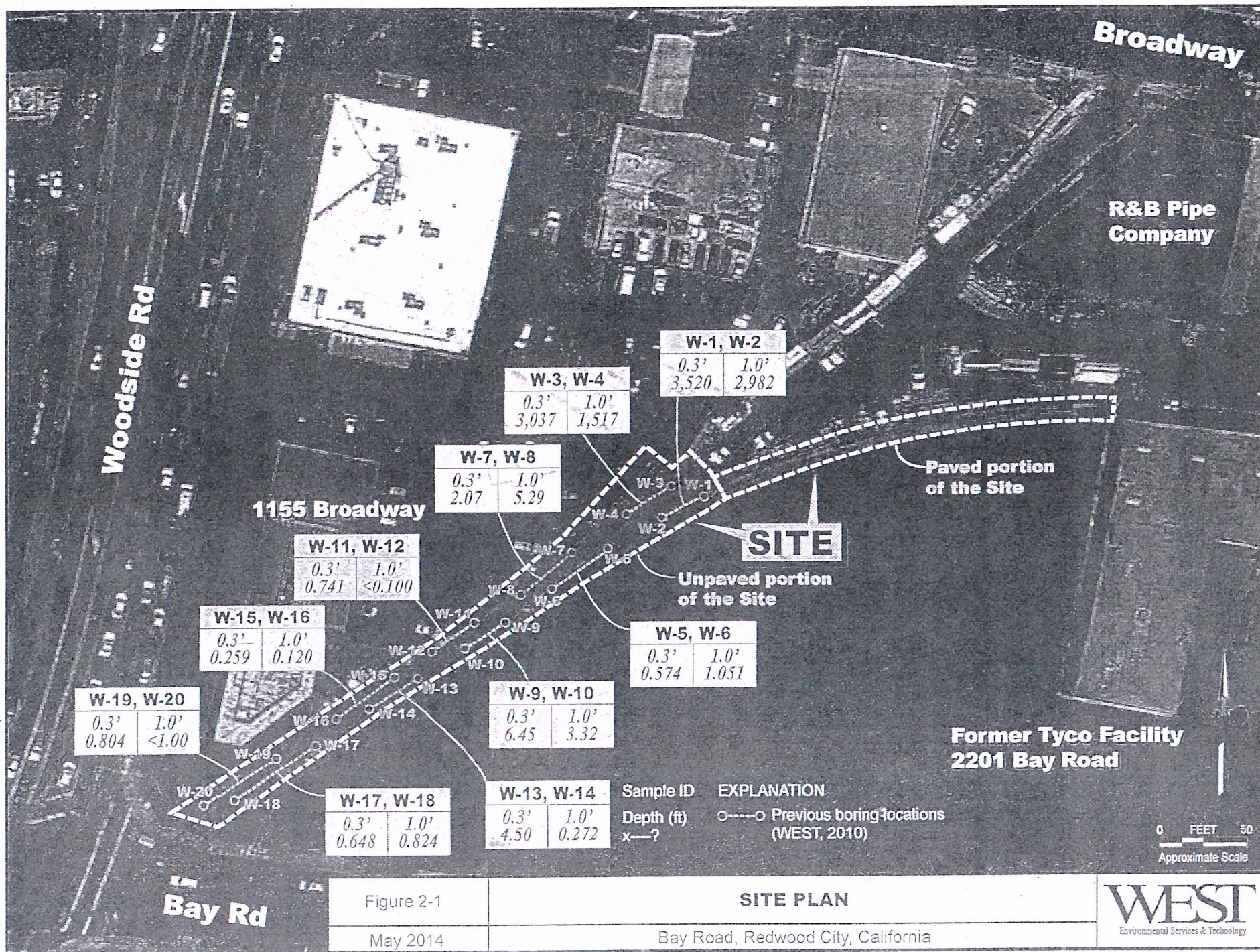
CAP AND COVER DETAILS

Former Rail Spur Properties
Redwood City, California

WEST
Environmental Services & Technology

Figure 5-5

May 2014



| | |
|------------|------------------------------------|
| Figure 2-1 | SITE PLAN |
| May 2014 | Bay Road, Redwood City, California |



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX**

**75 Hawthorne Street
San Francisco, CA 94105**

Via Electronic and U.S. Postal Service Mail

May 31, 2013

Mr. Roland Lampert
899 Broadway Associates
900 Veterans Boulevard, Suite 410
Redwood City, California 94063
rolandlamp@aol.com

Re: Polychlorinated Biphenyls (PCBs), Toxic Substances Control Act (TSCA) - USEPA Directive for Cleanup of PCBs at Railroad Spur Property Adjacent to Former Tyco Thermal Controls LLC, 2201 Bay Road, Redwood City, California (Former Tyco Property)

Dear Mr. Roland Lampert:

As you indicated in previous meetings with the U.S. Environmental Protection Agency Region 9 (USEPA), 899 Broadway Associates owns the Railroad Spur Property (RSP) adjacent to 2201 Bay Road, Redwood City, California (i.e., Former Tyco Property). Soils at the RSP are contaminated with polychlorinated biphenyls (PCBs) which are regulated under the Toxic Substances Control Act (TSCA) regulations in 40 CFR 761. Therefore, USEPA is directing 899 Broadway Associates (RSP Owner) to submit a plan to (1) conduct additional characterization, if necessary and (2) cleanup soils contaminated with PCBs at the RSP.

The above required plan shall be consistent with the TSCA requirements in 40 CFR§761.61(a) (Notification) or §761.61(c) (Application). The RSP Owner shall submit the Notification or Application within 30 days after the date of this letter. This directive is being issued by USEPA pursuant to 40 CFR 761.50(b)(3) and it is based on the determination included below.

Any activity at the RSP that results in releases of dust from the RSP must be ceased immediately consistent with the May 29, 2013 letter issued to 899 Broadway Associates and other parties by the California Regional Water Quality Control Board San Francisco Region (RWQCB SFB).

In addition, within 15 days after the date of this letter, the RSP Owner shall complete the implementation of actions that prevent further uncontrolled releases of dust that may contain PCBs. Such actions must be consistent with the soil stabilization work plan required by the May 29, 2013 RWQCB SFB letter. Those actions are necessary to prevent the public and the environment from being potentially exposed to dust that may contain PCBs. At a minimum, such actions shall include:

- (1) spraying a polymer over PCB-contaminated soils at the RSP or other similar approach to prevent further releases of dust that may contain PCBs;

Mr. Roland Lampert
899 Broadway Associates
rolandlamp@aol.com
Re: Cleanup of PCB Contaminated Soils at RSP
Date: May 31, 2013

- (2) sampling of surfaces at the adjacent impacted properties to determine if cleanup of those surfaces is necessary; and
- (3) sampling of the R&B pipes (including equipment to move the pipes) that were or still may be stored at the RSP to determine if decontamination is necessary under 40 CFR§761.79.

USEPA's Determination Under 40 CFR 761.50(b)(3) and Background

Under 40 CFR§761.50(b)(3), USEPA has the authority to direct an owner or operator of a site contaminated with PCBs to dispose of those PCBs in accordance with the regulations in 40 CFR§ 761.61 when they may pose an unreasonable risk of injury to health or the environment.

We have determined the RSP may present an unreasonable risk of injury to health or the environment due to exposure to PCBs. Analytical results for composite soil samples collected within about 0 to 4 inches and 12 inches below ground surface at the RSP by your consultant (Jordan & Graf) on December 21, 2010 demonstrate PCB contamination levels up to 3,520 milligrams/kilograms (mg/kg). These levels of PCB contamination greatly exceed USEPA's risk-based Regional Screening Levels (RSL) for soils of 0.74 mg/kg PCBs. The RSL represents a 10^{-6} excess cancer risk based on an industrial/commercial land use scenario.

Moreover, on May 16, 2013, USEPA was notified by the California Regional Water Quality Control Board San Francisco Bay Region about dust blowing from the RSP unto adjacent properties such as 1155 Broadway LLC and tenants, parking lots, and Realty Income Properties.

USEPA also understands that 899 Broadway Associates has leased the RSP to R&B (a pipe company) to store pipes. We also understand that releases from the RSP are due, in part, to soil disturbance caused by R&B's activities on the RSP including the movement of pipes with heavy equipment. Please be aware that any use or distribution in commerce by 899 Broadway Associates and/or R&B of PCB-contaminated pipes may be a violation of TSCA. Regardless as 899 Broadway Associates is the owner of the RSP, it remains liable for the cleanup of the PCBs.

While you met with USEPA representatives in 2011 to discuss cleanup of PCBs at the RSP, 899 Broadway Associates took no steps to address the PCB contamination after that meeting. Therefore, issuance of this directive is necessary. Failure of 899 Broadway Associates to comply with this directive may be a violation of TSCA and could subject 899 Broadway associates to civil or administrative enforcement.

If 899 Broadway Associates wishes to schedule a meeting with USEPA or has questions concerning this directive, please contact Carmen D. Santos at 415.972.3360 or santos.carmen@epa.gov. Any contact with Ms. Santos will not by itself extend the schedule for action set forth in this directive, however.

Mr. Roland Lampert
899 Broadway Associates
rolandlamp@aol.com
Re: Cleanup of PCB Contaminated Soils at RSP
Date: May 31, 2013

We look forward to your reply and thank you for your prompt attention to the above matters. Thank you for your cooperation.

Sincerely,



Jeff Scott, Director
Waste Management Division

Cc Via Electronic Mail Only

David Barr, SFB RWQCB
dbarr@waterboards.ca.gov

Ivan Lieben, USEPA R9
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